

Sigrun Schauer - 100725-37 Inventor Declaration.doc

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OCT 20 2006

Attorney Docket No. 100725-37

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : GEROLD SCHULER ET AL.  
SERIAL NO. : 10/618,134  
CUSTOMER NO. : 27384  
FILED : July 11, 2003  
FOR : CD4<sup>+</sup>CD25<sup>+</sup> T Cells and Tr1-Like Regulatory Cells  
ART UNIT : 1644  
EXAMINER : S. Jalla

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.132**

SIR:

We, the undersigned, hereby declare as follows:

1. We are the inventors of the subject matter disclosed and claimed in U.S. Serial No. 10/618,134, entitled CD4<sup>+</sup>CD25<sup>+</sup> T Cells and Tr1-Like Regulatory Cells, which was filed on July 11, 2003 (hereinafter "the instant application.")
2. We have been informed that in the Office Action dated April 20, 2006, the patent examiner rejects the claims of the instant application as being unpatentable over an article by Dieckmann et al., appearing in *J. Exp. Med.*, 196: 247-253 (2002) (hereinafter "the Dieckmann article").
3. In addition to us, the Dieckmann article lists Cord Henrik Bruett, Heidi Ploettner and Manfred Bernhard Lutz as co-authors.

US 10/618,134, however, the inventions  
Declaration under 37 CFR § 1.132

disclosed in the Dieckmann article are our inventions.

5. Cord Henrik Bruett, Heidi Ploettner and Manfred Bernhard Lutz did not make an inventive contribution to the conception of any of the inventions disclosed in the Dieckmann article.

6. Cord Henrik Bruett, Heidi Ploettner and Manfred Bernhard Lutz worked under our supervision and direction as our assistants on the experiments that are reported in the Dieckmann article and, as noted above, did not contribute to the conception of any of the inventions disclosed in the Dieckmann article.

7. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that the foregoing statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 28th Sept 2006

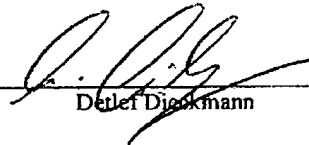
By:



Gerold Schuler

Dated: 8th Oct 2006

By:



Derlef Dieckmann

USSN 10/618,134  
Declaration under 37 CFR § 1.132